

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO 5:18-CR-406-FL-1

UNITED STATES OF AMERICA
v.
JOVAN POWELL

ORDER GRANTING MOTION FOR
REVOCATION

Pending before this Court is a Motion to Revoke Defendant Jovan Powell's federal supervised release [DE 3], and two pending Motions under the First Step Act for reduction in sentence [DE 10, 15.]

The Court has considered all of the arguments presented. In the parties' joint brief to the Court filed at DE 28, the government agreed to forego the Grade A violation initially referenced in the Motion for Revocation and proceed against Mr. Powell with solely the Grade C violation for the possession of the ecstasy pill on Mr. Powell's person. The guideline range for a Grade C violation for Mr. Powell is 3-9 months, and Mr. Powell has been in custody for 9 months awaiting this hearing, since August 8, 2019.

The Court finds that Mr. Powell has waived his opportunity to appear in court for this proceeding. Mr. Powell admits to the possession of the ecstasy pill in his pocket. The parties agree that the appropriate sentence for this Grade C violation is time served and that his term of supervised release has expired, as he was released from the Bureau of Prisons five years ago (the length of his original term of supervised release). The U.S. Probation Office does not object to these recommendations.

Accordingly, the Court accepts the recommendation of the parties and finds that Mr. Powell violated his supervised release by possessing the ecstasy pill and hereby REVOKES his federal supervised release. The Court sentences Mr. Powell to a term of imprisonment of TIME SERVED. Mr. Powell's supervised release term is deemed complete.

Mr. Powell's First Step Act Motion at DE 10 and 15 are DENIED AS MOOT.

This the 8th day of May, 2020.


LOUISE WOOD FLANAGAN
U.S. DISTRICT COURT JUDGE